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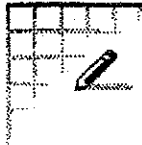
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From: Lani Fellows on 06/02/2004 07:56 AM  
To: Robin L Sweeney [REDACTED]  
cc:  
Subject: Fw: Netherton comment

User Filed as: Excl/AdminMgmt-14-4/QA:N/A

Scoping comment.

----- Forwarded by Lani Fellows/YM/RWDOE on 06/02/2004 07:55 AM -----



Naomi Lewis  
06/02/2004 07:14 AM

To: BSC Correspondence Control Unit@CRWMS  
cc: Lani Fellows [REDACTED]  
Subject: Public Inquiry

User Filed as: Excl/AdminMgmt-14-4/QA:N/A

----- Forwarded by Naomi Lewis/YM/RWDOE on 06/02/2004 07:14 AM -----

**Public Inquiry**

June 01, 2004 18:12:28

IP address: [REDACTED]  
Name: Shaaron Netherton  
E-mail: [REDACTED]  
Comments: Ms. Robin Sweeney

EIS Document Manager

Office of National Transportation

Office of Civilian Radioactive Waste Management

U.S. Department of Energy

1551 Hillshire Drive, M/S 011

Las Vegas, NV 89134

May 31, 2004

Re: Scoping Comments for the EIS for the Caliente Rail Line

Dear Ms. Sweeney:

Thank you for the opportunity to provide scoping comments for the EIS for the alignment, construction, and operation of a rail line to a geologic repository at Yucca Mountain (FR, Vol 69, No. 68, Thursday April 8, 2004).

These comments are submitted on behalf of members of Friends of Nevada Wilderness. Friends of Nevada Wilderness is a grassroots group, founded 20 years ago to protect Nevada's wild places. Many of our 1,000 members use the wilderness study areas and surrounding backcountry that would be impacted by this rail line. Members hunt, camp, hike, backpack, take pictures, star gaze, and watch wildlife. Should this railroad be constructed, we will no longer be able to utilize and enjoy some of our special wild places in their current setting.

The BLM published a notice in the Federal Register (Vol. 68, No. 248, December 29, 2003) on DOE's request to withdraw 308,600 acres of public land from surface entry and mining to evaluate the land for the potential construction of the Caliente rail line. Upon reviewing that withdrawal request with the BLM it was apparent that DOE was requesting withdrawal of lands within Congressionally protected Wilderness Study Areas. We know that fact has been brought to your attention by the BLM as well as by members of Friends of Nevada Wilderness at your Caliente, Reno and Las Vegas Scoping meetings, in other scoping comments as well as at the House of Representatives Railroad subcommittee hearing in Las Vegas on March 5, 2003.

The protection of the wilderness values in these wilderness study areas is of utmost importance to us. Your staff has indicated to us in these meetings that the route shown on the map and the withdrawal areas requested are only preliminary and will likely change in some places. We are very concerned about not only the proposed rail line's present location as depicted on your maps but on where DOE may move it as this process progresses.

#### Wilderness Study Areas

Your current proposal appears to directly affect the northern end of the Weepah Springs WSA, the western slopes of the South Revere WSA and potentially the Kawich WSA, the Rawhide WSA and the Worthington Mountains WSA. Others could be affected depending on how the proposed route is adjusted. These are areas under Congressional protection (the Federal Land Management and Policy Act of 1976) and can not be intruded upon without an act of Congress.

Further, please note that your maps provided at the scoping meetings may be misinterpreted. They do correctly show the wilderness study area boundaries and identify the BLM's recommendation for the wilderness study areas as to their suitability for wilderness. It is very important to note however, that regardless of the old, outdated BLM suitability recommendations that the entire wilderness study area has wilderness values, is protected by Congress and in our opinion should be designated as wilderness by Congress. In your EIS, please do not make assumptions that because the BLM did not recommend the area suitable for wilderness many years ago that it lacks wilderness values or protection. The BLM prepared legislative Wilderness EISs for these areas in the 1980's. Much has changed since these EISs were prepared and the BLM wilderness recommendations were made.

The Nevada Congressional delegation has made it clear in legislation for the Black Rock Desert-High Rock Canyon Emigrant Trail National Conservation Area Act of 2000 and the Clark County Conservation of Public Lands and Natural Resources Act of 2002 that they will designate for wilderness, lands that the

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BLM recommended as nonsuitable for wilderness. Congress has also designated as Wilderness lands that citizens proposed for wilderness, lands whose wilderness values were overlooked by the BLM.

#### Citizen Proposed Wilderness Areas

In addition to the Congressionally protected wilderness study areas, there are lands found to have wilderness values through wilderness inventory by citizens in Nevada. These areas also need to be avoided when DOE looks at finalizing the route to be analyzed in the EIS. While our citizens' wilderness inventories are not complete for Nevada, we have identified areas that could be impacted by the rail line. The Quinn Canyon Wilderness additions, south of the Quinn Canyon Wilderness Area is one of these. A copy of that proposal is included.

#### Other Issues

Construction of this rail line will affect the rural land owners in this remote part of the state. We are very concerned on the impacts to the ranching families along the proposed corridor. For example, the Fallini family and their ranching operations associated with the Twin Springs Ranch. We share some of the same concerns as do the Fallini's in their letter to the BLM dated March 11, 2004.

Access: How will current access for land owners, our Friends of Nevada Wilderness members, and other public land users be affected by the construction and operation of this extremely long rail corridor? Many dirt access roads would be impacted by the railroad. Will vehicle crossings be established where all existing roads cross the rail route? How would safety issues for our members and other recreationists and public land users be addressed? How would safety issues for ranchers moving their livestock be addressed? Would the corridor be fenced? If so, how will this affect access as well as wildlife movement?

Wildlife and Wildlife Habitat: How will wildlife be affected by the rail road? What will be the impacts to wildlife from the further habitat fragmentation associated with the rail road? The route the DOE has identified goes through a sparsely inhabited part of the state, but is a region where numerous rare plant and animal species can be found. The construction of this rail line will further fragment wildlife habitat.

Health and Safety: Friends of Nevada Wilderness is opposed overall to the Yucca Mountain project and the proposal to transport nuclear waste by rail through Nevada. The DOE's plan to ship nuclear waste to Nevada puts the public health of Nevadans in jeopardy. Construction of the railroad will occur in an area downwind of above-ground nuclear tests where soils may be contaminated by radionuclides. Worker exposure to dust during construction and the general public after construction is of particular concern, given the latest revelations about Yucca Mountain workers having been exposed to high levels of silica in the tunneling of the mountain.

Security and safety concerns have been expressed with the transportation of nuclear waste from day one, and after 9/11 they are even more significant.

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In summary, construction of this rail line will damage the wide open spaces and wild character that defines our state. Its construction will lessen the ability of our members to enjoy the wild backcountry and it will destroy some of the wildest and most remote land in our state. We feel that in light of pending litigation against the Yucca Mountain program by our state, this rail line corridor EIS is premature and should only be undertaken once ALL of the Yucca Mountain issues have been resolved.

Sincerely,

Shaaron Netherton

Executive Director

Friends of Nevada Wilderness

[REDACTED]  
[REDACTED]

Papermail: Friends of Nevada Wilderness

[REDACTED]  
[REDACTED]